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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JEREMIA GILLO,

Plaintiff,

vs.

THE HONORABLE PETE BUTTIGIEG,  
Secretary of Transportation  
1200 New Jersey Ave., S.E.  
Washington, DC 20590,

Defendants.

CASE NO.: 2:22-cv-00857-CDS-NJK

**COMPLAINT**  
**(Jury Demanded)**

Plaintiff, JEREMIA GILLO, brings this action against Defendant Pete Buttigieg, Secretary of the United States Department of Transportation. Mr. Gillo seeks relief for unlawful employment discrimination based upon his race (Asian) in violation of 42 U.S.C. 2000e, *et seq.* (“Title VII”).

...

...

**JURISDICTION AND VENUE**

1  
2           1.       This Court has jurisdiction over the claims in this action pursuant to 28 U.S.C. §1331  
3 (federal question jurisdiction), as these claims for monetary damages and other relief arise under the  
4 laws of the United States, including Title VII.  
5

6           2.       This Court is the proper venue for this action because Mr. Gillo's claims arise in Las  
7 Vegas, Nevada, which is within this Court's geographical boundaries.

8           3.       Mr. Gillo has exhausted his administrative remedies on all claims pled hereunder  
9 prior to timely filing this action with this Court.  
10

**THE PARTIES**

11  
12           4.       Plaintiff Jeremia Gillo is Asian (Filipino) and a resident of Las Vegas, Nevada. Mr.  
13 Gillo is an experienced supervisory level employee of the Department of Transportation, Federal  
14 Aviation Administration ("FAA").  
15

16           5.       Defendant Pete Buttigieg currently is the Secretary of the United States Department  
17 of Transportation ("DOT") and is sued in his official capacity. As DOT Secretary, he is responsible  
18 for employment policies, practices, and procedures of all Agencies within the DOT. The FAA is an  
19 Agency within the DOT.  
20

**ALLEGATIONS OF FACTS**

21  
22           6.       In 2005, Mr. Gillo begins his employment with the FAA. He holds a four-year college  
23 degree and a commercial pilot's license. Many employees join the FAA with only a high school  
24 diploma and no aviation experience.

25           7.       Mr. Gillo's first FAA post is in Los Angeles, working as an air traffic controller. For  
26 a couple years, he works for the FAA in Chicago.  
27

28       . . .

1           8.       By 2013, Mr. Gillo returns to Los Angeles to work as an operations supervisor.

2           9.       Throughout his employment with the FAA, Mr. Gillo consistently receives job  
3 performance evaluations concluding that he meets or exceeds the FAA's expectations. He has no  
4 discipline – his work record is unblemished. Mr. Gillo enjoys a good reputation.  
5

6           10.      In or about March 2018, an exciting opportunity to work as a mid-level supervisor  
7 for the FAA in Las Vegas is presented. The job duties include supervising air traffic controllers at  
8 the world's reportedly 10<sup>th</sup> busiest airport and moving safely thousands of commercial aircraft  
9 carrying millions of passengers each year. Mr. Gillo accepts the job offer.  
10

11          11.      This new position starts before Mr. Gillo can physically move his family's home  
12 from Los Angeles to Las Vegas. So, for a couple of years, Mr. Gillo commutes from Los Angeles  
13 to Las Vegas. Many supervisory level FAA employees commute long distances to work, traveling  
14 weekly between or among cities located in other States.  
15

16          12.      Mr. Gillo has an FAA credit card. His supervisor in Los Angeles authorizes him to  
17 use the card for travel related expenses as he transitions from Los Angeles to Las Vegas, and instructs  
18 Mr. Gillo to timely pay the bill every month using his personal funds. Mr. Gillo does so, purchasing  
19 food, gas and other travel related items.  
20

21          13.      After Mr. Gillo moves his home to Las Vegas, he continues to use the FAA credit  
22 card for the same types of purchases, e.g., food – he purchases food for his co-workers when working  
23 long hours without a full meal break due to the heavy air traffic demand.

24          14.      Mr. Gillo does not realize this use of the FAA credit card is a technical infraction of  
25 the FAA's credit card use rules. He mistakenly believes his authorization to use the credit card in  
26 this manner continues because he receives one email reminding him to pay the then due balance  
27 using his personal funds. He promptly pays the bill.  
28

1           15. Mr. Gillo is doing such a great job that his immediate and first line supervisor  
2 William Wadley, who has more than 25 years' experience working at the FAA's Las Vegas facility,  
3 says under oath sworn: "operationally he – he's an outstanding performer."

4           16. In June 2020, David Leslie enters the scene as the new Air Traffic Manager at the  
5 FAA's Las Vegas facility. Mr. Leslie becomes the top decision maker in this facility, Mr. Wadley's  
6 direct supervisor, and Mr. Gillo's second line supervisor.

7           17. In or about June 2020, Mr. Leslie learns Mr. Gillo is using the FAA credit card for  
8 these food and similar purchases and that Mr. Gillo is timely paying the bill for all charges made  
9 using his personal funds.  
10

11           18. Mr. Wadley says that as Mr. Gillo's first line supervisor he is authorized and is  
12 supposed to review Mr. Gillo's credit card use and impose discipline if Mr. Wadley deems it  
13 appropriate given the circumstances.  
14

15           19. Mr. Wadley says he communicates with Mr. Leslie about Mr. Gillo's credit card use,  
16 informing Mr. Leslie that Mr. Wadley would not impose a 30-day suspension without pay for a  
17 penalty for this type of conduct.  
18

19           20. Mr. Wadley says he is removed from the investigation and penalty imposition  
20 disciplinary process as it relates to Mr. Gillo's credit card use.  
21

22           21. On or about November 16, 2020, Mr. Leslie informs Mr. Gillo he is suspended for  
23 30-days without pay, and to be served during the extra busy year-end holiday season from November  
24 17 to December 17, 2020.

25           22. Mr. Leslie does not explain why he departs from the FAA's disciplinary process or  
26 published progressive discipline "table of penalties."  
27

28 . . .

1           23. Mr. Leslie does not explain why he chooses the busy year-end holiday season to begin  
2 the suspension. However, Mr. Leslie does know that Mr. Gillo was looking forward to working this  
3 season because he would make extra money working additional hours.

4           24. In addition to losing substantial amounts of wages and benefits, the 30-day  
5 suspension causes Mr. Gillo embarrassment, humiliation, anger, discouragement, and emotional  
6 distress.

7           25. No other employee in the Las Vegas facility has his or her credit card use  
8 investigated.

9           26. No other employee in the Las Vegas facility with a previously unblemished work  
10 record receives a 30-day suspension without pay.

11           27. No other supervisory level employee in the Las Vegas facility is Asian (Filipino).

12           28. On information and belief, no other employee assigned to work for the FAA west of  
13 the great Mississippi River is given 30-days suspension without pay for credit card use issues,  
14 including those engaging in far more egregious conduct, e.g., using the FAA credit card for  
15 extravagant purchases.

16           29. On information and belief, non-Asian employees working in the Las Vegas facility  
17 having engaged in more egregious work rule violations, e.g., timecard fraud, receive lower penalties.

18  
19  
20  
21                           **CAUSE OF ACTION**

22                           ***Race Discrimination in Violation of Title VII***

23           30. All previous paragraphs are repeated here and incorporated herein by reference.

24           31. Title VII prohibits employers from taking adverse actions against an employee  
25 because of the employee's race.

26           32. A 30-day suspension without pay is an adverse action.

1           33.     David Leslie, the Las Vegas Air Traffic Manager, is the FAA's managerial employee  
2 taking the actions about which Mr. Gillo's complains. Mr. Leslie is white.

3           34.     Mr. Gillo is Asian. He is a member of a protected class under Title VII.

4           35.     Because of his race, Mr. Leslie targeted Mr. Gillo for mistreatment because Mr. Gillo  
5 is Asian. He treated Mr. Gillo more harshly than his non-Asian similarly-situated co-workers.  
6

7           36.     When Mr. Leslie treated Mr. Gillo less favorably, in the terms and conditions of his  
8 employment, than his non-Asian similarly-situated co-workers, because of Mr. Gillo's race,  
9 Defendant violated Title VII.  
10

11           37.     Defendant's actions were intentional, deliberate, willful, wanton, malicious, reckless,  
12 and/or in callous disregard of Mr. Gillo's rights because of his race (Asian).

13           38.     As a direct and proximate cause of Defendant's conduct, Mr. Gillo was harmed and  
14 continues to suffer from harm, including but not limited to loss of reputation, embarrassment,  
15 humiliation, emotional distress, and monetary damages, including but not limited to past and future  
16 loss of income, benefits, promotion and promotional opportunities, career opportunities, and costs –  
17 and is entitled to all available legal and equitable remedies. He seeks the relief set forth below.  
18

19           39.     Mr. Gillo is informed and believes, and based thereon, alleges that, in addition to the  
20 illegal conduct described above, Defendant may have engaged in other discriminatory practices  
21 against Mr. Gillo that are not yet fully known.  
22

23                           **PRAYER FOR RELIEF**

24           WHEREFORE, Plaintiff Jeremia Gillo respectfully requests this honorable Court enter  
25 judgment in his favor and against Defendant, and accord him the following relief:

26           A.     Declaration that Defendant's actions against him violate Title VII.

27  
28     . . .

1 B. Order record correction, including but not limited to expungement of any documents  
2 in all Agency personnel files reflecting him being investigated and suspended.

3 C. An order precluding Defendant from relying upon, considering, or disseminating the  
4 Report of Investigation generated in Defendant's pretextual investigation of Mr. Gillo or its contents  
5 for any purpose.

7 D. Payment of back pay, front pay, and all the fringe benefits to which he is entitled,  
8 plus pre- and post-judgment interest to the extent provided by law.

9 E. Compensatory damages for his non-economic injuries, including but not limited to  
10 harm to his reputation and emotional distress, in an amount deemed just and authorized by law.

12 F. An award of the attorneys' fees and costs incurred in the prosecution of this action  
13 and in the administrative EEO complaints processes that preceded it.

14 G. Such other legal and equitable relief deemed just and proper under the  
15 circumstances.

16  
17 **JURY DEMAND**

18 Mr. Gillo hereby respectfully requests a trial by jury on all the issues in this action that are  
19 triable to a jury.

20 Respectfully submitted this 30<sup>th</sup> day of May, 2022.

21 SULTON LAW OFFICES

HOLMAN LAW OFFICE

22  
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/s/ Kristina S. Holman

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